

C. REMARKS

Claims 4 and 5 have been amended in response to the Examiner's helpful suggestions and the rejections under 35 U.S.C. 112. The fact that Claims 4 and 5 have been amended is not to be construed as an admission by Applicants or Applicants' attorneys that such claims, prior to the amendment thereof, are unpatentable.

Claims 4 and 5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Lemoli, et al. as evidenced in Developmental Biology (Page 357). This rejection is respectfully traversed.

The present invention is directed to a method for treating a patient in need of megakaryocytes by administering to the patient isolated and enriched human mesenchymal stem cells in an amount effective to produce megakaryocytes. The mesenchymal stem cells are allogeneic or autologous to the patient. The isolated and enriched human mesenchymal stem cells may be administered with CD34+ cells, if desired.

Lemoli discloses the administration of autologous bone marrow transplants to patients suffering from either non-Hodgkins's lymphoma or Hodgkin's Disease. Prior to the administration of the bone marrow transplant, the patients underwent a myeloablative chemotherapy treatment. In addition to the bone marrow transplant, the patients also received G-CSF, or a combination of G-CSF and Interleukin-3. The administration of the combination of G-CSF and Interleukin-3 provided for an increased amount of CD34+ cells in the patients.

Lemoli, however, does not disclose or even remotely suggest to one of ordinary skill in the art the isolation and enrichment of human mesenchymal stem cells from the bone marrow cells, followed by the administration of such isolated human mesenchymal stem cells to the patient. Therefore, Lemoli does not anticipate Applicants' methods as claimed, nor does Lemoli render Applicants' methods as claimed obvious to one of ordinary skill in the art. It is therefore respectfully requested that the rejection under 35 U.S.C. 102(b) be reconsidered and withdrawn.

For the above reasons and others, this application is in condition for allowance, and it is therefore respectfully requested that the rejections be reconsidered and withdrawn and a favorable action is hereby solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Raymond J. Lillie". The signature is fluid and cursive, with the first name "Raymond" being more prominent than the last name "Lillie".

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